

LEGISLATIVE COUNCIL BRIEF

**DISTRICT COUNCILS ORDINANCE
(AMENDMENT OF SCHEDULE 3) ORDER 2013**

INTRODUCTION

A On 25 June 2013, the Executive Council ADVISED and the Chief Executive ORDERED that, the District Councils Ordinance (Amendment of Schedule 3) Order 2013 (“the Order”) at **Annex A** should be made. The Order seeks to implement the recommendation to increase 19 elected seats for nine District Councils (“DCs”) for the fifth-term DCs.

JUSTIFICATIONS

Review of the number of elected seats

2. The Order implements the recommendation to increase the number of elected seats for the fifth-term DCs from 412 to 431, which reflects the result of the review of the number of elected seats. The review has taken into consideration the forecast of the population of Hong Kong by mid-2015 (i.e., 7 311 300), the continued application of a population quota of about 17 000 residents to one DC elected seat, the abolition of DC appointed seats from the fifth-term DCs onwards, and the increasingly important role DCs will play in district administration. As a result, the number of elected seats for the DCs which, according to the calculation, should have a reduction in the number of elected seats will not be reduced, the number of elected seats for the nine DCs which should have an increase according to the outcome of the calculation will be increased, while the number of elected seats for the remaining DCs will remain unchanged. The allocation of the 19 newly-added DC elected seats is as follows –

- (a) one seat each for Tsuen Wan and North DCs;
- (b) two seats each for Sham Shui Po, Kowloon City, Kwun Tong, Yau Tsim Mong and Sha Tin DCs;
- (c) three seats for Sai Kung DC; and
- (d) four seats for Yuen Long DC.

3. The Administration met with the Chairmen and Vice Chairmen of the 18 DCs and the Legislative Council (“LegCo”) Panel on Constitutional Affairs (“CA Panel”) on 16 and 20 May 2013 respectively to listen to their views, and obtained their general support of the recommendation to increase the number of elected seats.

4. Part 1 of Schedule 3 to the District Councils Ordinance (Cap. 547) (“DCO”) sets out the number of elected seats for each of the 18 DCs (the current version is at **Annex B**). Pursuant to section 8 of the DCO, Chief Executive in Council may, subject to the approval of the LegCo, amend Schedule 3 by order published in the Gazette. We propose that the Order be enacted to amend Part 1 of Schedule 3 in order to implement the increase in the elected seats in the concerned nine DCs. The Order is a piece of subsidiary legislation.

B

District boundaries

5. When the Administration consulted the LegCo and the DCs on the increase in the number of elected seats, there were views that the boundary between Eastern and Wan Chai Districts and the boundary among Wong Tai Sin, Kowloon City and Kwun Tong Districts should be reviewed. The Administration subsequently met with the representatives of Eastern, Wan Chai, Kowloon City, Wong Tai Sin and Kwun Tong DCs to listen to their views.

6. Firstly, there were suggestions to “transfer” some DC constituency areas (“DCCAs”) from Eastern DC to Wan Chai DC. It has recently been brought to our attention that Eastern and Wan Chai DCs

would like to explore whether the District boundary of the two Districts should be adjusted in order to address the problem of Wan Chai DC having a small number of seats. The Administration will consult the two DCs and the local residents of the possibly affected DCCAs. In the event that a consensus can be reached among concerned parties, the Administration will consider introducing a new order at a later stage.

7. Separately, Wong Tai Sin DC has also expressed a wish to take over the northeastern part of the Kai Tak Development Area (“KTDA”), which currently falls within the boundary of Kowloon City District, mainly on the grounds that this area is geographically in close proximity to Wong Tai Sin, and that it is a natural extension to the coastline along Kai Tak River (i.e. Kai Tak Nullah)¹. Kowloon City objects strongly to any proposal to change its current District boundary on the grounds that the KTDA has been, and should remain, an “inalienable” part of Kowloon City District and Kowloon City DC has been heavily involved in the KTDA consultations². Kwun Tong DC is unenthusiastic in taking over any part of the KTDA. As this issue does not involve any problem of possible difficulty for the operation of a DC and a consensus has not been reached even at the DC level, we do not propose to deal with this issue in this legislative exercise.

THE ORDER

A 8. The Order at **Annex A** consists of three clauses. The first clause specifies the commencement arrangement of the Order. Clause 2 and Clause 3 provide for the increase in elected seats for the nine DCs as set out in paragraph 2 above. The Explanatory Note sets out the scope of the legislative exercise, which is to amend Schedule 3 to the DCO to change the number of elected seats for the nine DCs.

LEGISLATIVE TIMETABLE

9. We aim to have the Order approved by the LegCo by November 2013, so that the new numbers of elected seats can be made

¹ Wong Tai Sin DC also expresses dissatisfaction that it is the only DC without access to the coastline.

² An elected member of Kowloon City DC has proposed to pass a motion at the DC meeting held on 4 July 2013 to retain the KTDA within the Kowloon City District.

available to, and be taken into account by, the Electoral Affairs Commission by early 2014 when it starts preparing for the delineation of the DCCAs for the fifth-term DC election³. For this purpose, the Secretary for Constitutional and Mainland Affairs has issued notice to the LegCo of his intention to move the motion for the Order at **Annex A** at the LegCo meeting on 17 July 2013.

10. As mentioned in paragraph 6, we will consult Eastern and Wan Chai DCs and the local residents of the possibly affected DCCAs. In the event that a consensus can be reached among concerned parties, the Administration will consider introducing a new order to amend relevant schedules to the DCO to reflect the adjustment to the boundary between Eastern and Wan Chai Districts and the consequential adjustment to the number of elected seats of the two DCs.

IMPLICATIONS OF THE PROPOSALS

11. An increase of 19 DC elected seats will entail about \$13 million per annum for payment of honorarium and allowances, and another \$6 million per DC term for payment of setting-up/winding-up expenses reimbursement and end-of-term gratuity as from January 2016 for Home Affairs Department (“HAD”)⁴. Home Affairs Bureau (“HAB”) and HAD will absorb the additional expenditure as well as any incidental costs to be incurred by HAB and HAD with their existing resources. The additional workload arising from the increase in the number of DC elected seats should not be significant and will be absorbed from within the existing resources of HAB and HAD.

12. The legislative proposal is in conformity with the Basic Law, including the provisions concerning human rights. It does not affect the binding effect of the DCO. It has no economic, sustainability, environmental, productivity or family implications.

³ The election will be conducted in late 2015.

⁴ These are calculated on the basis of prevailing rates of the concerned expenditure items and on the assumption that the DC Members will claim up to the maximum amount of allowances concerned.

PUBLIC CONSULTATION

13. The LegCo CA Panel, the Chairmen and Vice Chairmen of all the 18 DCs have been consulted on the review of the number of elected seats as set out in paragraph 3.

PUBLICITY

14. A press release is issued on 26 June 2013 and a spokesperson is made available to address media enquiries, if any.

ENQUIRY

15. Any enquiries on the brief should be addressed to Ms Anne TENG, Principal Assistant Secretary for Constitutional and Mainland Affairs, at 2810 2908.

Constitutional and Mainland Affairs Bureau
26 June 2013

District Councils Ordinance (Amendment of Schedule 3) Order 2013

(Made by the Chief Executive in Council under section 8 of the District Councils Ordinance (Cap. 547) subject to the approval of the Legislative Council)

1. Commencement

This Order—

- (a) for all purposes relating to the District Council ordinary election in 2015—comes into operation on the day on which the Resolution of the Legislative Council approving this Order is published in the Gazette; and
- (b) in so far as it has not come into operation under paragraph (a)—comes into operation on 1 January 2016.

2. District Councils Ordinance amended

The District Councils Ordinance (Cap. 547) is amended as set out in section 3.

3. Schedule 3 amended

- (1) Schedule 3, Part 1, item 3—

Repeal

“22”

Substitute

“24”.

- (2) Schedule 3, Part 1, item 4—

Repeal

“35”

Substitute

“37”.

- (3) Schedule 3, Part 1, item 5—

Repeal

“21”

Substitute

“23”.

- (4) Schedule 3, Part 1, item 9—

Repeal

“17”

Substitute

“19”.

- (5) Schedule 3, Part 1, item 12—

Repeal

“17”

Substitute

“18”.

- (6) Schedule 3, Part 1, item 13—

Repeal

“24”

Substitute

“27”.

- (7) Schedule 3, Part 1, item 14—

Repeal

“36”

Substitute

“38”.

- (8) Schedule 3, Part 1, item 16—

Repeal

“17”

Substitute

“18”.

- (9) Schedule 3, Part 1, item 18—

Repeal

“31”

Substitute

“35”.

Clerk to the Executive Council

COUNCIL CHAMBER

2013

Explanatory Note

The purpose of this Order is to amend Schedule 3 to the District Councils Ordinance (Cap. 547) to change the number of elected members of—

- (a) Kowloon City District Council from 22 to 24;
 - (b) Kwun Tong District Council from 35 to 37;
 - (c) Sham Shui Po District Council from 21 to 23;
 - (d) Yau Tsim Mong District Council from 17 to 19;
 - (e) North District Council from 17 to 18;
 - (f) Sai Kung District Council from 24 to 27;
 - (g) Sha Tin District Council from 36 to 38;
 - (h) Tsuen Wan District Council from 17 to 18; and
 - (i) Yuen Long District Council from 31 to 35.
2. The change in the number of elected members will come into effect on 1 January 2016, but will also take effect for the District Council ordinary election to be held in 2015.

Chapter: 547 Title: **DISTRICT** Gazette E.R. 2 of
 **COUNCILS** Number: 2012
 ORDINANCE

Schedule: 3 Heading: Version Date: 02/08/2012

[sections 5, 8, 9 & 11]

Part 1

Number of Elected Members and Appointed Members

Item	District Council	Number of elected members	Number of appointed members ¹
1.	Central and Western District Council	15	4
2.	Eastern District Council	37	9
3.	Kowloon City District Council	22	5
4.	Kwun Tong District Council	35	8
5.	Sham Shui Po District Council	21	5
6.	Southern District Council	17	4
7.	Wan Chai District Council	11	3
8.	Wong Tai Sin District Council	25	6
9.	Yau Tsim Mong District Council	17	4
10.	Islands District Council	10	4
11.	Kwai Tsing District Council	29	7
12.	North District Council	17	5
13.	Sai Kung District Council	24	5
14.	Sha Tin District Council	36	9
15.	Tai Po District Council	19	5
16.	Tsuen Wan District Council	17	5
17.	Tuen Mun District Council	29	7
18.	Yuen Long District Council	31	7

(Amended 33 of 2002 s. 10; L.N. 139 of 2006; L.N. 161 of 2010)

¹ The District Councils (Amendment) Ordinance 2013 was enacted in May 2013, giving effect to the abolition of the system of appointing members to the District Councils with effect from 1 January 2016.